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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: June 21, 2004 Name: Tadashi Horie Reg. No. 40,437 Signature: *Tadashi Horie*

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Motoharu MIYAKE  
Hiroshi INAMURA  
Osamu TAKAHASHI

Appln. No.: 10/807,505

Filed: March 23, 2004

For: COMMUNICATION DEVICE,  
TRANSMISSION CONTROL METHOD, AND  
PROGRAM PRODUCT

Examiner: To Be Assigned

Art Unit: To Be Assigned

Attorney Docket No: 9683/173

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement (in dup.), Form PTO-1449, 3 Cited References  
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ to cover the above-identified fee(s) is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 21, 2004  
Date

*Tadashi Horie*  
Tadashi Horie (Reg. No. 40,437)



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June 21, 2004

Date of Deposit

Tadashi Horie Reg. No. 40,437

Name of Applicant, Assignee or  
Registered Representative

Signature

June 21, 2004

Date of Signature

Case No.: **9683/173**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Motoharu MIYAKE  
Hiroshi INAMURA  
Osamu TAKAHASHI

Examiner: To Be Assigned

Group Art Unit No.: To Be Assigned

Serial No.: 10/807,505

Filing Date: March 23, 2004

For: COMMUNICATION DEVICE,  
TRANSMISSION CONTROL METHOD,  
AND PROGRAM PRODUCT

INFORMATION DISCLOSURE STATEMENT

Mail Stop: Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents

listed on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Tadashi Horie  
Registration No. 40,437  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/807,505	CASE NO. 9683/173
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE March 23, 2004	GROUP ART UNIT To Be Assigned
APPLICANT(S): Motoharu MIYAKE et al.		

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A					
	A					
	A					
	A					
	A					
	A					
	A					

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A					
	A					
	A					
	A					
	A					

EXAMINER  
INITIAL

## OTHER ART – NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

	A1	Sarolahti, P. et al., "F-RTO: A TCP PTO Recovery Algorithm for Avoiding Unnecessary Retransmissions", <i>Internet Engineering Task Force, Internet Draft</i> , January 2003, 11 Pages.
	A2	Allman, M. et al., "On Estimating End-to-End Network Path Properties", <i>ACM SIGCOMM '99</i> , vol. 29, no.4, October 1999, pp263-274 (11 Pages).
	A3	Sarolahti, P. et al., "F-RTO: A TCP RTO Recovery Algorithm for Avoiding Unnecessary Retransmissions" <i>I-D ACTION: draft-sarolahti-tsvwg-tcp-frto-03.txt</i> , January 15, 2003, 2 Pages.
	A	
	A	
	A	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.